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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

16 BEACH DISTRICT SURGERY
17 CENTER, L.P., Individually and on
18 Behalf of All Others Similarly
Situated.

Case No. 2:22-cv-03931-MCS-JPR

**NOTICE OF SETTLEMENT AND
JOINT STIPULATION REQUESTING
DEADLINE TO FILE DISMISSAL**

19 Plaintiff,

20 | P a g e

21 CIGNA HEALTH AND LIFE INS.
22 CO., and DOES 1-10, inclusive,

23 || Defendants.

1 Plaintiff Beach District Surgery Center, L.P. (“Plaintiff”) and Defendant
2 Cigna Health and Life Ins. Co. (“Defendant”) (collectively, the “Parties”) notify the
3 Court that they have reached a settlement in principle and stipulate to the following:

4 WHEREAS, on June 8, 2022, Plaintiff filed the Complaint in this action;

5 WHEREAS, on December 12, 2022, the Court issued an Order granting
6 Defendant’s motion to dismiss the Complaint in its entirety, and granting Plaintiff
7 leave to amend the Complaint within 14 days;

8 WHEREAS, on December 20, 2022, the Court granted, as modified, the
9 parties’ joint stipulation continuing the deadline to amend the complaint in order to
10 facilitate settlement discussions, and set January 17, 2023 as the deadline;

11 WHEREAS, the parties have reached a settlement in principle, and are in the
12 process of drafting the settlement agreement;

13 WHEREAS, the parties believe that they can finalize and execute the
14 settlement agreement within a week;

15 WHEREAS, the Parties agree, subject to the Court’s approval, to set January
16 24, 2023 as the deadline to file a dismissal of the case pursuant to the settlement
17 agreement;

18 IT IS HEREBY STIPULATED AND AGREED, by and between undersigned
19 counsel for the parties, and subject to the Court’s approval, that:

20 1. The deadline to file a dismissal of the case pursuant to the settlement
21 agreement is January 24, 2023.

22 **SO STIPULATED.**

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1 Dated: January 17, 2023

Respectfully submitted,

2 **GLANCY PRONGAY & MURRAY LLP**

3 By: /s/Jonathan M. Rotter

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15 *Attorneys for Plaintiff and the Putative Class*

16

17 Dated: January 17, 2023

MCDERMOTT WILL AND EMERY

18 By: /s/ Richard W. Nicholson, Jr.

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5 *admitted *pro hac vice*

6 *Attorneys for Defendant Cigna Health and*
7 *Life Ins. Co.*

8 **ATTESTATION**

9
10 I, Jonathan M. Rotter, am the ECF user whose identification and password are
11 being used to file this document. In compliance with Local Rule 5-4.3.4, I hereby
12 attest that all other signatories listed, and on whose behalf the filing is submitted,
13 concur in the filing's content and have authorized the filing.

14 Dated: January 17, 2023 s/ Jonathan M. Rotter
15 Jonathan M. Rotter

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1 **PROOF OF SERVICE BY ELECTRONIC POSTING**

2 I, the undersigned say:

3 I am not a party to the above case and am over eighteen years old. On January
4 17, 2023, I served true and correct copies of the foregoing document, by posting the
5 document electronically to the ECF website of the United States District Court for
6 the Central District of California, for receipt electronically by the parties listed on
7 the Court's Service List.

8 I affirm under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct. Executed on January 17, 2023, at Los
10 Angeles, California.

11 *s/ Jonathan M. Rotter* _____

12 Jonathan M. Rotter

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